

Serial No.: 09/705,457

03 JUL 21 AM 6:26

Patent Docket P0998D3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of James Andya et al. Serial No.: 09/705,457 Filed: November 2, 2000 For: PROTEIN FORMULATION	Group Art Unit: 1644 Examiner: M. DiBrino Certificate of Hand Delivery I hereby certify that this correspondence is being hand delivered to the US Patent and Trademark Office on July <u>21</u> , 2003 <u>Wm Lee</u>
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COMMUNICATION

Assistant Commissioner of Patents
Washington, D.C. 20231

Responsive to the request in item 6 of the January 13, 2003 Office Action, please find enclosed courtesy copies of the Information Disclosure Statement, ref. nos. 209-290 and return postcard that were filed on June 20, 2002. Also enclosed are ref. nos. 80-82, 85-86, 88-95, 98, 101-116, 118-120, 122-142, 144, 147-160, 162-171, 173-177, 181, 183-203 and 205-208. A clean copy of the PTO-1449 forms are enclosed for the Examiner to sign upon consideration of the attached art.

Respectfully submitted,
GENENTECH, INC.

Date: July 21, 2003

By: Wm Lee
Wendy M. Lee
Reg. No. 40,378
Telephone: (650) 225-1994



09157

PATENT TRADEMARK OFFICE

In re Application of: James Andya et al.
Serial No.: 09/705,457
Filed On: November 2, 2000
Hand Delivered On: July 21, 2003

Docket No.: P0998D3
By: Wendy M. Lee
Reg. No.: 40,378

The following has been received in the U.S. Patent Office on the date stamped:

☒ Executed Substitute Declaration
☒ Supplemental Information Disclosure Statement (dup)
☒ Form 1449 with 12 References
☒ Fees: \$180.00
☒ Communication
☒ Courtesy copies of ref. nos. 80-82, 85-86, 88-95, 98, 101-116, 118-120, 122-142, 144, 147-160, 162-171, 173-177, 181, 183-203 and 205-208 with 1449 Form
☒ Courtesy copies of 6/20/2002 IDS, ref. nos. 209-290, return postcard and Form 1449
☒ Certificate of Hand Delivery

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of</p> <p>James Andya et al.</p> <p>Serial No.: 09/705,457</p> <p>Filed: November 2, 2000</p> <p>For: PROTEIN FORMULATION</p>	<p>Group Art Unit: 1644</p> <p>Examiner: M. DiBrino</p> <hr/> <p>Certificate of Hand Delivery</p> <p>I hereby certify that this correspondence is being hand delivered to the US Patent and Trademark Office on</p> <p>July <u>21</u>, 2003</p> <p><i>Wm Lee</i></p>
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

- ☐ **37 CFR §1.97(b)**
- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
 - within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, **or**
 - before the mailing of the first Office action on the merits; **or**
 - before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.
- ☒ **37 CFR §1.97(c)**
- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.
- ☐ **37 CFR §1.97(d)**

forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e), as checked below.

(If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.)

- ☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☒ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. , filed and relied upon in this application for an earlier filing date under 35 USC §120.

☐ BLAST results enclosed:

The undersigned also wishes to bring to the attention of the Examiner BLAST results of computerized alignments of the against sequences contained in the nucleotide and protein databases. The BLAST results are provided in paper form and are identified as reference "BLAST Results A-1 - A-Q" (nucleotide) and "BLAST Results B-1 - B-Q" (protein) on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of the references.

Serial No.: 09/705,457
Filed: November 2, 2000

Page 3

Form 1449 be initialed to indicate the Examiner's consideration of the references.

A concise explanation of relevance of the items listed on PTO-1449 is:

☒ not given

☐ given for each listed item

☐ given for only non-English language listed item(s) (Required)

☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

In the event that the Office determines a fee to be due where none is specifically authorized in this paper, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p).

Respectfully submitted,

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By: _____

Wendy M. Lee

Reg. No. 40,378

Telephone No. (650) 225-1994

Date: July 21, 2003



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PATENT TRADEMARK OFFICE

In re Application of: James Andya et al.

Serial No.: 09/705,457

Filed On: November 2, 2000

Hand Delivered On: June 20, 2002

Docket No.: P0998D3

By: Wendy M. Lee

Reg. No.: 40,378

The following has been received in the U.S. Patent Office on the date stamped:

<u>X</u>	Supplemental Information Disclosure Statement (<u>dup</u>)
<u>X</u>	Form 1449 with <u>82</u> References
<u>X</u>	Certificate of Mailing
<u>X</u>	Fees: \$ <u>180</u>

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of James Andya et al. Serial No.: 09/705,457 Filed: November 2, 2000 For: PROTEIN FORMULATION	Group Art Unit: 1644 Examiner: M. Jamroz <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center; font-size: small;">Certificate of Hand Delivery</p> <p style="font-size: x-small;">I hereby certify that this correspondence is being hand delivered to Examiner Margaret (Megan) Jamroz at the US Patent and Trademark Office on</p> <p style="text-align: center;">June <u>20</u>, 2002</p> <p style="text-align: center;"><i>R. H. M.</i></p> </div>
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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- ☒ **37 CFR §1.97(c)**
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Wendy M. Lee

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Telephone No. (650) 225-1994

Date: June 13, 2002



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PATENT TRADEMARK OFFICE